## **United States Court of Appeals**

## FOR THE EIGHTH CIRCUIT

	No. 03-	1690
Christopher Lee Prosser,	*	
Appellant,	*	
V.	*	
Dave Williams; Arthur Derickson; Dora Schriro; Mel Carnahan;	*	Appeal from the United States District Court for the Western
Missouri Department of Correction and Human Resources; Victor Bru Allen, C.O.I.; Kimberly Swindler,		District of Missouri.  [UNPUBLISHED]
C.O.I.; Jane Doe, C.O.I.; John Doe C.O.I.; John Doe, Major; Steve	* *	[CIVI OBEIGITED]
Ragan; Eddie Williams; Donnis Allen; Meredith Allen; Captain	*	
Galloway; Mike Kemna; Dave Dormire; John Doe; Jane Doe;	*	
Correctional Medical Systems; Ch McBee; Woody; Carr,	*	
Appellees.	*	
Submitted: December 5, 2003 Filed: January 15, 2004		

Before BYE, BOWMAN, and MELLOY, Circuit Judges.

PER CURIAM.

Missouri inmate Christopher Prosser appeals the district court's adverse grant of summary judgment in this failure-to-protect action arising from a June 1997 assault on Prosser by two inmates at the Crossroads Correctional Center. Having carefully reviewed the record at this stage in the proceedings in the light most favorable to Prosser, we conclude that genuine issues of material fact remain as to (1) whether prison employee Victor Bruhn was aware of a substantial risk of serious harm to Prosser when he recommended Prosser's release to the general population, and (2) whether corrections officers Meredith Allen and Kimberly Swindler demonstrated deliberate indifference to Prosser's safety in allowing the assailants into Prosser's housing unit dressed in combat attire, and in their alleged lack of response to the attack. We find no error, however, in the district court's dismissal of other parties, and no abuse of the district court's discretion with regard to the challenged discovery rulings, the handling of Prosser's proposed amended complaint, and the denial of Prosser's postjudgment motions. Accordingly, we affirm in part, reverse in part, and remand for further proceedings. Prosser's motion for appointment of counsel is denied, without prejudice to his refiling it in the district court.

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